



Attorney's Docket No.: 11926-015002

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Vincent P. Stanton, Jr.

Art Unit : 1634

Serial No. : 09/963,333

Examiner : A. Chakrabarti

Filed : September 24, 2001

Title : THYMIDINE SYNTHASE GENE SEQUENCE VARIANCES HAVING
UTILITY IN DETERMINING THE TREATMENT OF DISEASE

TECH CENTER 1600/2900

#13
CD
11/12/02

Commissioner for Patents
Washington, D.C. 20231

RESPONSE

In response to the action mailed August 5, 2002, applicant further elects the following species (li) in claim 49 (SEQ ID NO:8 wherein nucleotide 16148 is A). This species election is made with traverse. Applicant requests that all of the species in claims 27, 38 and 49 be considered together as requested in the response filed May 6, 2002.

The various polymorphisms in claims 27, 38 and 49 are all in the human thymidylate synthase (TS) gene. SEQ ID NOs:6, 7 and 8 all represent either human TS cDNA or genomic sequences. Each of (i)-(iii) in claim 27, each of (i) - (ix) in claim 38, and each of (i)-(xlii) in claim 49 represents a single nucleotide polymorphism in the human TS gene. Thus, each represents a single nucleotide variation in the same gene encoding the same protein. In fact, as Table 10 of the specification reveals, none of these single nucleotide polymorphisms cause a change in the amino acid sequence of human TS protein. Thus, Applicant believes that efficient and timely examination of the claims will be greatly enhance by considering all of the species together.

Applicant note that the Response filed July 3, 2002 regarding the species of SEQ ID NO:7 wherein nucleotide 961 is C was made without traverse. That election, like the original

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I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

October 28, 2002
Date of Deposit

Carrie A. Amonte
Signature

Carrie A. Amonte
Typed or Printed Name of Person Signing Certificate

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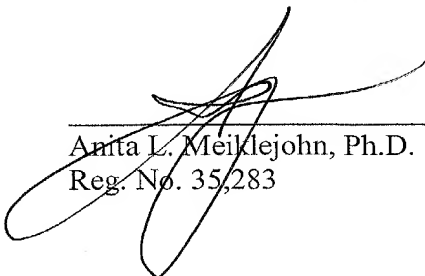
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election should have been made with traverse and applicant now requests that the Examiner consider that election to have been made with traverse. Applicant apologizes for the confusion.

A Petition for Extension of Time with the appropriate fee is enclosed. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 28 OCT 02



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